Montana Fish, Wildlife & Parks

Region One
490 North Meridian Rd.
Kalispell, MT 59901
(406) 752-5501
FAX: 406-257-0349
Ref:DV232-00
September 7, 2000

TO: Mark & Sherilyn Morris, PO Box 1001, Whitefish, 59937
Environmental Quality Council, Capitol Building, Helena, 59620-1704
Dept. of Environmental Quality, Metcalf Bldg., PO Box 200901, Helena, 59620-0901
Montana Fish, Wildlife & Parks: Director's Office, Legal Unit, and Enforcement
Evaleen Starkel, Montana Dept. of Livestock, Third Floor, Scott Hart Bldg., 301 Roberts, Helena, 59620
Mt Historical Society, State Historic Preservation Office, 225 North Roberts, Veteran's Memorial Bldg., Helena 59620
Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800
John Mundinger, Consulting for Creative Solutions, LLC, 1414 Hauser Blvd., Helena, 59601
Jim Jensen, Montana Environmental Information Center, PO Box 1184, Helena, 59624
George Ochenski, PO Box 689, Helena, 59624
Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923
Montana State Parks Association, PO Box 699, Billings, 59103
Joe Gutkoski, Montana River Action Network, 304 N 18th, Bozeman, 59715
Flathead County Library, 9 Spokane Avenue, Whitefish, 59937
Flathead County Commissioners, 800 S Main, Kalispell, 59901
Rep. Verdell Jackson, 555 Wagner Lane, Kalispell, 59901
Rep. Bob Lawson, Box 686, Whitefish, 59937-0686
Sen. Bob DePratu, PO Box 1217, Whitefish, 59937-1217
John Smart, 125 Humbolt Loop, Helena, 59601
Mark Taylor, 139 N Last Chance Gulch, Helena, 59601
Ira Holt, 548 Cielo Vista, Hamilton, 59840
Stan Frasier, PO Box 5841, Helena, 59604
Dave Dittloff, MT Wildlife Federation, PO Box 1175, Helena, 59624
Janis Buchanan, 222 Big Ravine Drive, Whitefish, 59937
Flathead Wildlife, PO Box 4, Kalispell, 59903
David Morris, Box 554, Whitefish, 59937
Robert Morris, Box 94, Whitefish, 59937
Cynthia Wollan, 5340 Stella Lane, Whitefish, 59937

Ladies and Gentlemen:

The enclosed draft Environmental Assessment (EA) has been prepared for the Last Chance alternative livestock facility as proposed by Mark and Sherilyn Morris and is submitted for your consideration.

Questions and comments will be accepted or must be postmarked no later than September 28, 2000. Please direct your questions or comments to Game Warden Brian Sommers, Montana Fish, Wildlife & Parks, 490 N. Meridian Road, Kalispell, MT 59901. Thank you.

Sincerely,

Dan Vincent
Regional Supervisor

DV/nli
Enclosure

DRAFT

ENVIRONMENTAL ASSESSMENT

LAST CHANCE ELK RANCH
ALTERNATIVE LIVESTOCK OPERATION

SEPTEMBER 2000

Montana Fish, Wildlife & Parks
Region 1
490 North Meridian Road
Kalispell, Montana 59901

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SUMMARY

DRAFT ENVIRONMENTAL ASSESSMENT PROPOSED LAST CHANCE ELK RANCH ALTERNATIVE LIVESTOCK OPERATION

INTRODUCTION

Montana Fish, Wildlife & Parks (FWP) is required to perform an environmental analysis in accordance with the Montana Environmental Policy Act (MEPA) for each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment (Administrative Rules of Montana [ARM] 12.2.430). FWP uses environmental assessments (EAs) in the Alternative Livestock Operation licensing process to identify and evaluate environmental impacts of a proposed Alternative Livestock Operation. EAs also determine whether the impacts would be significant and whether, as a consequence, FWP would perform a more detailed environmental impact statement (EIS).

When preparing an EA, FWP reviews environmental impacts of the Proposed Action, impacts of the No Action Alternative, and impacts of other alternative actions which include recommended and/or mandatory measures to mitigate the project's impacts. A mitigated EA includes alternatives with enforceable requirements (or stipulations) which reduce impacts of the Proposed Action below the level of significance. The EA may also recommend a preferred alternative for the FWP decision maker.

This EA is prepared for the proposed construction and operation of the Last Chance Elk Ranch Alternative Livestock facility located near Whitefish, Montana based upon its review of the alternative livestock operation license application.

OBJECTIVES

This EA has been prepared to serve the following purposes in accordance with FWP MEPA rules (ARM 12.2.430):

- ensure that FWP uses natural and social sciences in planning and decision making;
- to be used in conjunction with other agency planning and decision-making procedures to make a determination regarding the Proposed Action;
- assist in the evaluation of reasonable alternatives and the development of conditions, stipulations, and modifications to the Proposed Action;
- determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with the Proposed Action;
- ensure fullest appropriate opportunity for public review and comment on the Proposed Action; and
- examine and document the effects of the Proposed Action on the quality of the human environment.

PUBLIC PARTICIPATION

Public involvement in the EA process includes steps to identify and address public concerns. The Draft EA will be available for public review and comment from September 7 until 5 pm September 28, 2000 from the Region 1 FWP office. Comments regarding this EA should be submitted to FWP at the location specified below:

Mr. Dan Vincent, Regional Supervisor
Fish, Wildlife & Parks, Region 1
490 North Meridian Road
Kalispell, Montana 59901
Phone: (406) 752-5501

PROPOSED ACTION AND ALTERNATIVES

PROPOSED ACTION

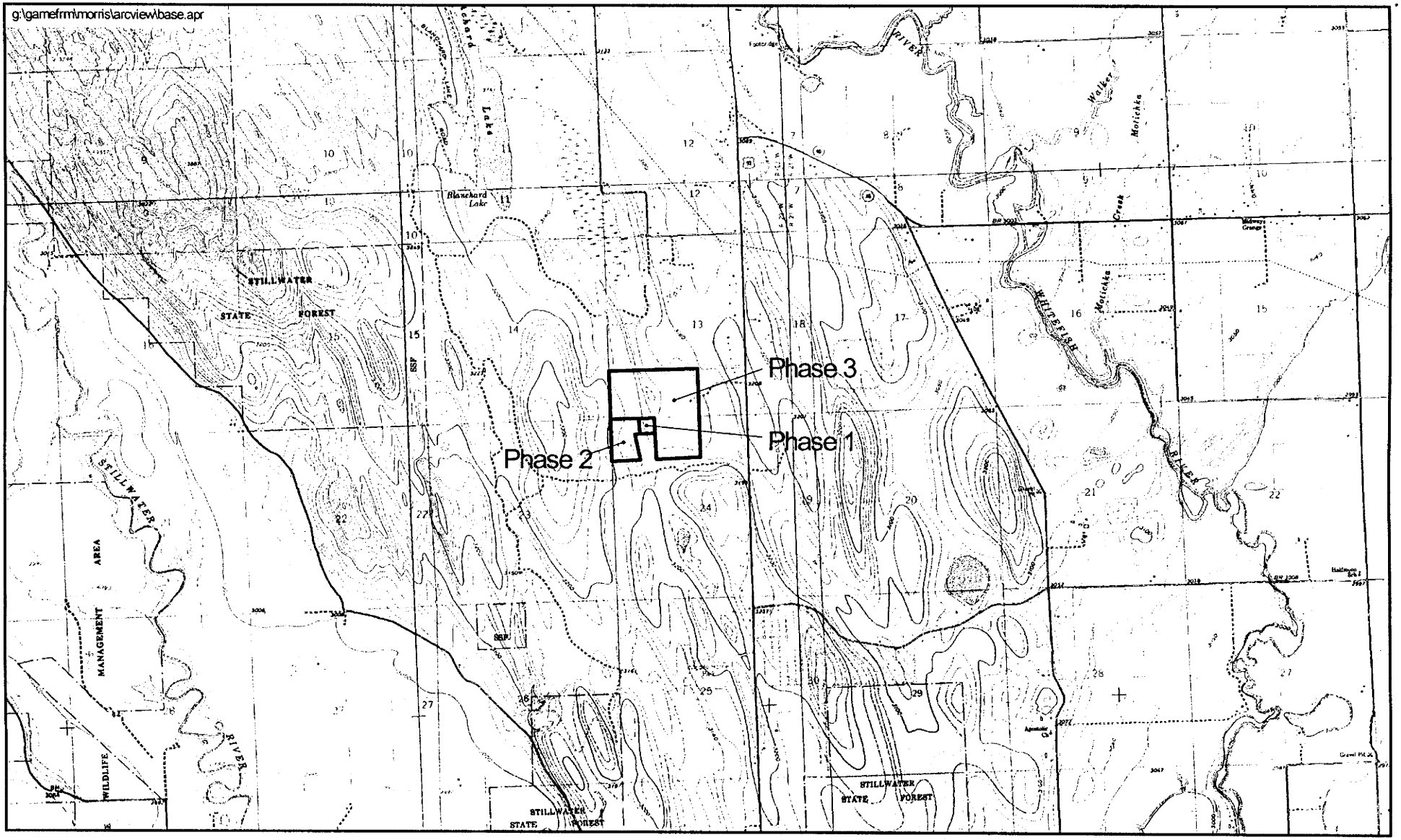
FWP received an initial application dated May 8, 2000 from Mark and Sherilyn Morris to construct an alternative livestock facility for elk in Flathead County, Montana. FWP received the application on May 19, 2000, and accepted the application as complete in a letter to Mr. and Mrs. Morris dated June 2, 2000. The proposed Last Chance Elk Ranch alternative livestock facility would be located approximately 5 miles south of the town of Whitefish (Figure 1), and approximately 10 miles north of Kalispell, Montana. The applicants live adjacent to the proposed enclosure (Figure 2).

The proposed alternative livestock facility would consist of 180 acres to be completed in three phases by an estimated date of July 2002. Phase 1 would encompass 5 acres and include 10 elk. Phase 2 would add 25 acres and contain an additional 50 elk, and Phase 3 would add an additional 120 acres and 240 elk. At full capacity for all three phases combined, a total of 360 elk would be in an enclosure covering 180 acres. The proposed facility is located in the northwest corner of Section 24 and the southeast corner of Section 13, Township 30 North (T30N), Range 22 West (R22W) (Figures 1 and 2).

Purposes of the proposed elk ranch include breeding stock, meat production, and antler production. According to the applicants, no public shooting of alternative livestock would be allowed in the enclosure. Elk to be initially released into the enclosure would be purchased from a licensed alternative livestock facility. Wild animals would be removed from the enclosure prior to licensing.

Fence construction would be completed in accordance with requirements of FWP under ARM 12.6.1531. Elk ranch fencing would consist of 8-foot high, high-tensile, Tightlock steel wire fencing. The fence bottoms would be installed to provide not more than 3 inches of ground clearance. One exterior gate and two interior gates would be constructed for the enclosure (Figure 2); however, another gate not yet located would be included for the Phase 3 enclosure (to be approved by FWP). Gates would be constructed of 8-ft tall X 16-ft wide steel wire mesh with lock and latch (Figure 2).

A handling and quarantine facility would be constructed in the southwestern corner of the Phase 1 enclosure for purposes of handling and testing the alternative livestock (Figure 2). Construction of this facility would meet requirements of the Montana Department of Livestock (DoL) under ARM 32.4.801.



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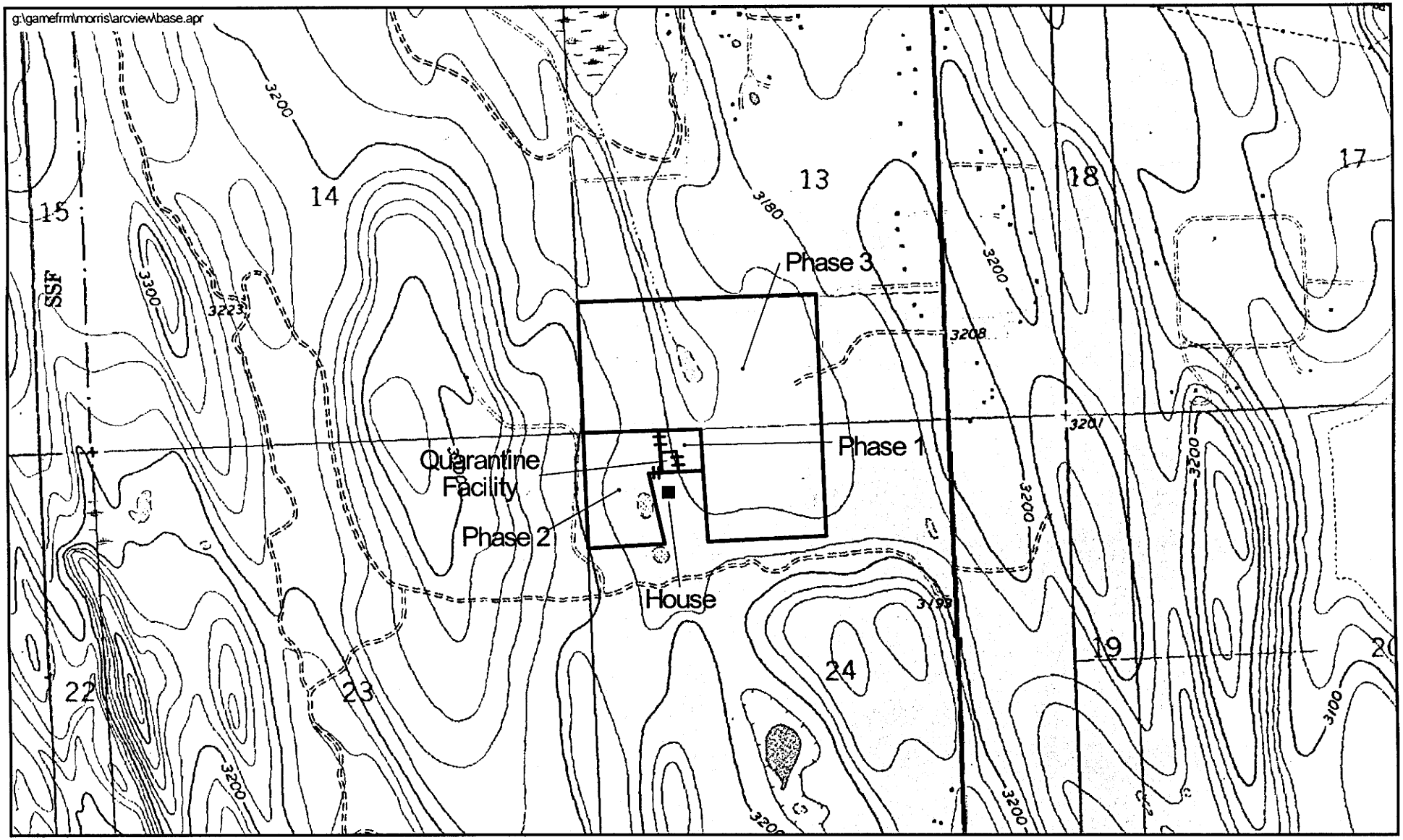
Note: Ownership data derived from Bureau of Land Management Montana Public Lands, 1:100,000 Scale Quadrangles. Topographic base derived from U.S.G.S. 1:24,000 scale quadrangles.

Land Ownership

- Private
- State

Site Map
Morris - Last Chance Elk Farm
Alternative Livestock Facility
Whitefish, Flathead County, Montana
FIGURE 1



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Note: Land use data comes from the U.S. Geological Survey's Geographic Information Retrieval and Analysis System (GIRAS), 1:250,000 Scale Quadrangles. Topographic base derived from U.S.G.S. 1:24,000 scale quadrangles.

Gate

Landuse/Landcover

- Wetland
- Developed
- Mixed Forest
- Crop/Pasture

Land Use / Land Cover
Morris - Last Chance Elk Farm
Alternative Livestock Facility
Whitefish, Flathead County, Montana
FIGURE 2

ALTERNATIVES

One alternative (No Action alternative) is evaluated in this EA. Under the No Action alternative, FWP would not issue a license for operation of the Last Chance Elk Ranch as proposed. Therefore, no alternative livestock would be placed in the proposed fenced enclosure. Implementation of the No Action alternative would not preclude other activities allowed under local, state, and federal laws to take place at the proposed alternative livestock site.

PURPOSE AND NEED OF THE PROPOSED ACTION

The Last Chance Elk Ranch would be a private commercial enterprise that would provide for elk breeding stock and meat and antler production. These activities do not currently occur at the property for which the proposed operation would be located.

ROLE OF FWP AND DOL

Montana Fish, Wildlife & Parks (FWP) is the lead agency in preparing this EA for the proposed project. This document is written in accordance with the Montana Environmental Quality Council (EQC) MEPA Handbook and FWP statutory requirements for preparing an EA under Title 75, Chapter 1, Part 2 Montana Code Annotated (MCA) and FWP rules under ARM 12.6.1520 et seq. The FWP has primary jurisdiction over alternative livestock sites with regard to licensing, reports and recordkeeping, exterior fencing, removal of game animals, inspection, and enforcement of these functions (87-4-408, MCA).

FWP shares regulatory responsibilities for new and expanding alternative livestock operations with the Montana Department of Livestock (DoL). The DoL is responsible for regulating the health, transportation, and identification of alternative livestock (87-4-408, MCA). Rules for DoL to implement regarding alternative livestock facilities are included in ARM 32.4.101 et seq. During the application process, all quarantine area plans and specifications are submitted to DoL for approval.

AFFECTED ENVIRONMENT

The proposed Last Chance Elk Ranch facility is located on leased land about 5 miles south of Whitefish and 10 miles north of Kalispell, Montana (Figure 1). This section summarizes primary environmental resources in the project area.

LAND RESOURCES

The proposed Last Chance Elk Ranch would be located on 180 acres of forested land and woodland pasture, approximately 2 miles west of the Whitefish River and 2½ miles east of the Stillwater River. The site consists of gentle (0 to 20%) slopes surrounding a small drainage that occasionally flows north to a marsh located off the property. The elevation of the site ranges from 3140 to 3180 feet above mean sea level. Current land use of the area in the vicinity of the site is silviculture, agriculture, and residential. The Stillwater State Forest is located about 2 miles south of the proposed facility.

According to the soil survey of the Upper Flathead Valley, soil on about 70 percent of the site consists of the Whitefish cobbly silt loam. The Whitefish series consists of deep, well-drained, light-colored, silty soils containing some gravel and large stones on the surface that are underlain by gray, calcareous till. These

soils have developed from calcareous, medium-textured, glacial till containing a large percentage of round gravel, cobbles, and large stones.

WATER RESOURCES

The proposed Last Chance alternative livestock operation would be located in the Whitefish River drainage, approximately 2 miles west of the river (Figures 1 and 2) and 2½ miles east of the Stillwater River. The site contains an ephemeral drainage that occasionally flows northward to a large marsh located about ½-mile north of the property. Overland flow occurs across portions of the site during periods of snow-melt and heavy precipitation events. The proposed enclosure includes several seasonal ponds. Average annual precipitation at Whitefish and Kalispell is about 22.6 inches and 15.3 inches, respectively; average annual total snowfall is about 74 inches at Whitefish and 59 inches at Kalispell.

The primary aquifer in the project area is bedrock of Precambrian-age Belt Series Formation. Surficial glacial deposits, however, contain small quantities of shallow groundwater. Water for the proposed alternative livestock would be obtained from a well at the site. Numerous domestic wells are present to the north and east of the proposed enclosure in areas of residential development. Few wells are located south and west of the project site. Most wells are completed to depths greater than 100 feet, and in several cases, exceed a depth of 300 feet. Direction of groundwater flow in the vicinity of the proposed alternative livestock facility probably is variable in the unconsolidated sediments, but is southeasterly in bedrock. Depth to groundwater in bedrock is generally greater than 100 feet, with limited quantities of shallow water in unconsolidated alluvial and glacial sediments. During the spring and early summer period, soil in the low-lying areas become saturated to the surface (i.e., marshy areas).

VEGETATION RESOURCES

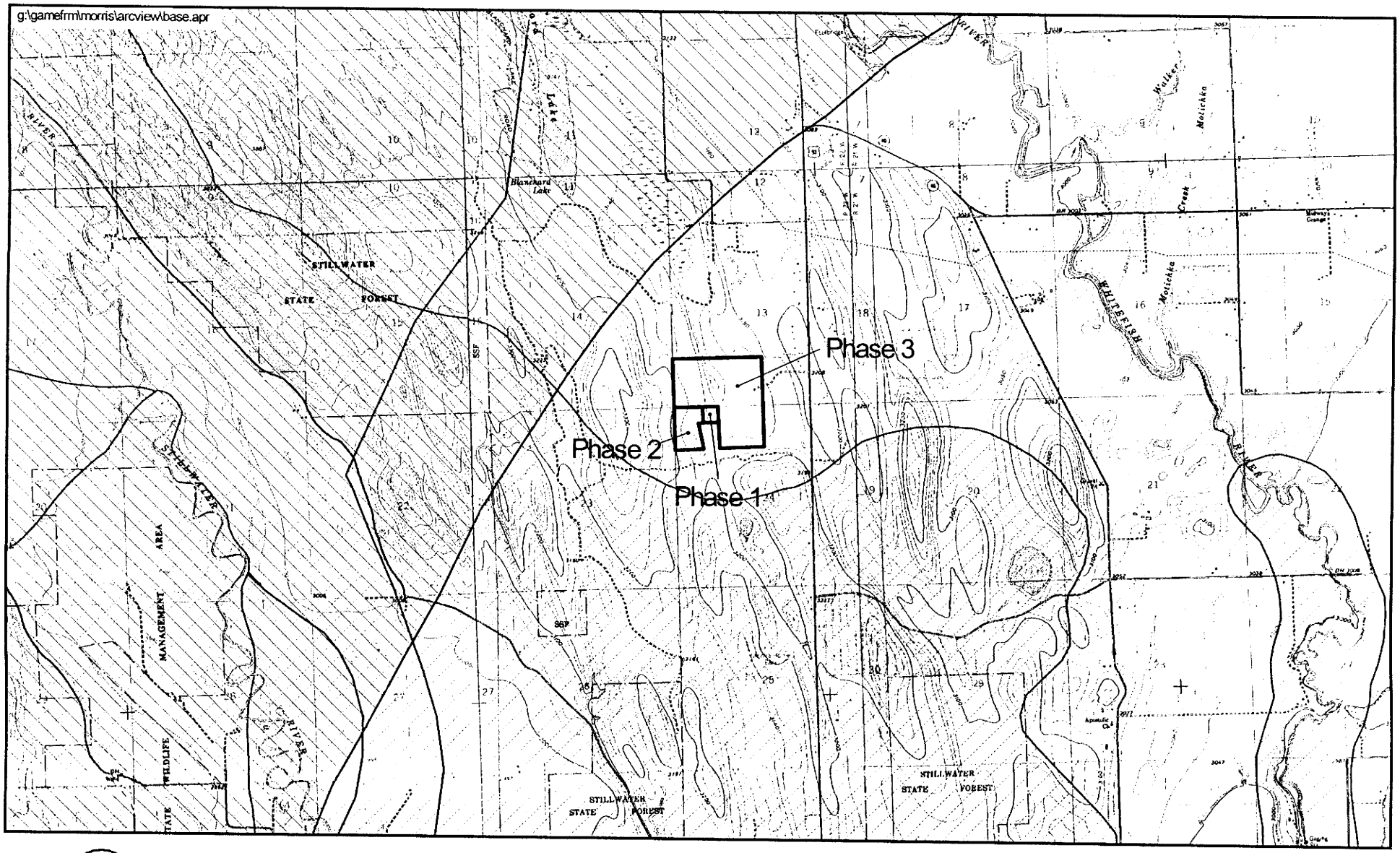
The proposed alternative livestock site is comprised of mixed conifer (45%), sub-irrigated meadow (50%), and riparian habitat (5%). This site has historically been logged and grazed by livestock. Estimated total forage production of the site would be about 250 tons per year. Federally-listed threatened or endangered plant species were not observed within the proposed alternative livestock site.

WILDLIFE RESOURCES

The proposed alternative livestock site and surrounding land is year-round white-tailed deer habitat (Figure 3). There is no density estimate for deer in this area during summer. During winter, migratory deer move into the area from the Stillwater State Forest to the south and west. Elk and moose general and winter range has been delineated by FWP approximately ½ to 1 mile west and north of the proposed facility, though these species likely frequent the area on a sporadic basis during all or most of the year. The area is also frequented by black bears and possibly mountain lions.

LAND USE/COMMUNITY

Most land immediately surrounding the proposed alternative livestock site is forested, agricultural, and rural residential land. The general area has historically been used by the local farmers and ranchers. Several blocks of Stillwater State Forest land are located within 1 to 2 miles of the proposed enclosure (Figure 1). The Kuhns Wildlife Management Area is located about 2½ miles west-southwest of the proposed enclosure. This sparsely populated area apparently is not zoned for any specific use, although agriculture is the prevailing land use. Several county roads are located within 2 miles of the proposed alternative livestock site, and U.S. Highway 93 is about ¼-mile to the east (Figure 1). The nearest permanent residences are located approximately ¼ -mile from the proposed alternative livestock facility, most of which are east and north of the site near U.S. Highway 93. A recently approved subdivision is under construction approximately ¼-mile west of the property.



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Note: Big game data comes from the Montana Fish, Wildlife & Parks 1:100,000 and 1:250,000 Scale map data. Topographic base derived from U.S.G.S. 1:24,000 scale quadrangles.

Big Game Distribution

- White-tail Deer Winter Range
- Moose - General and Winter Range
- Elk - Summer and Winter Habitat

Big Game Distribution
Morris - Last Chance Elk Farm
Alternative Livestock Facility
Whitefish, Flathead County, Montana
FIGURE 3

RISK/HEALTH HAZARDS

No livestock are currently pastured in the proposed enclosure; however, there is a potential for livestock to graze in pastures adjacent to the perimeter fence when constructed. There are resident populations of deer in the vicinity of the proposed enclosure that could potentially be subject to disease transmission from the domestic elk. In order for disease transmission to occur, the organism causing the disease needs to be present. Any alternative livestock introduced to this proposed facility would be tested for brucellosis and tuberculosis and would be in compliance with DoL regulations (monitoring for chronic wasting disease, etc.) prior to movement to the facility.

ENVIRONMENTAL CONSEQUENCES

Only primary resources that have potential adverse effects from the Proposed Action are summarized in this section. A detailed discussion of environmental consequences is contained in *Part II* of this EA.

LAND RESOURCES

The proposed alternative livestock operation on 180 acres would have minor impacts to land and soil resources at full capacity of 360 elk. Soil on the low-gradient slopes has a moderate hazard of wind and water erosion. Poorly drained soils in the central portion of the site and near the southwest corner present a risk of compaction and disruption if heavy use by elk occurs, especially in areas of muck and peat, which have low soil strength. Soil compaction, coupled with high densities of animals, can result in the reduction of plant cover and an increase in local runoff from affected areas.

WATER RESOURCES

Increased runoff and erosion would occur in some areas of the alternative livestock site if the stocking rate exceeds the carrying capacity of the pasture and vegetative cover is diminished. The proposal to pasture up to 360 alternative livestock on 180 acres (i.e., 2 elk per acre) would be expected to reduce vegetative cover. Areas of the proposed enclosure that would be most susceptible to erosion problems are on the wet marshy areas. The extent to which erosion would occur is dependent primarily on animal density and period of occupancy in a given area. Any sediment that leaves the proposed enclosure area would exit along the ephemeral drainage to the north and enter a large marshy area approximately ½-mile from the site (Figure 2).

Domestic elk fecal matter and nutrient-enriched water would have a minor effect on the quality of water in the vicinity of the alternative livestock ranch (dependent upon animal density and waste management practices), primarily during periods of snow-melt and major precipitation events. Nutrients in runoff from the site would enter the marsh area to the north of the proposed enclosure. Due to the considerable depth to water in the primary aquifer (i.e., bedrock), adverse impacts to groundwater quality are expected to be minor or none.

VEGETATION RESOURCES

The Proposed Action would place up to 360 elk on 180 acres for a year-long basis. The proposed alternative livestock site would supply only about one-third of forage needs of the alternative livestock when fully stocked. The maximum stocking rate of 2 adult elk per acre is considered high and would contribute to the long-term decline of vegetation resources, both in terms of plant species composition and overall productivity of the site. Supplemental feed would be required to sustain the alternative livestock during the non-growing season and some feed would need to be provided during the growing season to help reduce animal use on the existing vegetation.

There are no plans to alter existing plant communities on the proposed alternative livestock ranch, other than to thin some forested portions. There are no known threatened or endangered plant species in this area. Development of the proposed facility would not result in a change of agricultural use on the 150 acres of forested rangeland.

Noxious weeds (St. John's wort) are prevalent at this site, and under an intensive grazing regime, would be expected to increase in abundance. Weeds would spread quickly to disturbed areas around any site that alternative livestock are fed or handled. Weed seeds could also be imported into the area with animal feed. Loss of vegetative cover due to the maximum stocking rate would also provide opportunity for weeds to become established throughout the proposed alternative livestock site.

WILDLIFE RESOURCES

The exclusion of wildlife from the proposed enclosure would displace a few resident deer from year-round habitat in the area. The proposed fence enclosure would cross low-gradient slopes, with steepest slopes of about 20 percent in some areas. Deer moving through the area would have to walk around the perimeter fence. There are no known fisheries in the vicinity of the proposed enclosure (nearest is Whitefish River 2 miles to the east). Mountain lions and black bears could potentially pass through this area and may be attracted to the alternative livestock to a minor degree.

Another concern regards the escape of captive elk and the potential for interbreeding of wild elk with domestic elk whose genetic make-up has been altered through several generations of selective breeding or through interbreeding with domestic red-deer. Although red-deer are now prohibited species in Montana, historically some alternative livestock operators did bring red-deer or red-deer hybrids into their facilities. The concern regarding red-deer hybrids is partially mitigated through current regulations. Although the impact of genetic pollution on wild elk herds is unknown, the effect is undesirable in terms of maintaining the genetic integrity of existing populations.

Fence integrity must be maintained such that the game-proof condition of the enclosure is maintained. Excessive snow accumulation and tree wind-throw have the potential to affect fence integrity at the proposed enclosure site.

LAND USE/COMMUNITY

The proposed alternative livestock facility would be compatible with existing agricultural land uses in the area. The elk ranch would not result in a change in historical agricultural use on the 180 acres of forested rangeland. With respect to land use, no significant conflicts should result between operation of the alternative livestock facility and the agricultural or residential areas. Additional homes could be constructed in the vicinity of the enclosure on private land. Potential effects of the alternative livestock operation on adjacent property values is difficult to evaluate because some nearby property owners may like the idea of alternative livestock, whereas others would find it undesirable. No impacts to the local infrastructure would occur under the Proposed Action.

RISK/HEALTH HAZARDS

There is little potential for transmission of water-borne disease pathogens, if present, to be transported from the proposed facility due to the lack of perennial flow through the property. The route of chronic wasting disease (CWD) transmission at this time is unknown; therefore, the potential for transmission by soil, water, or other media cannot be determined nor impacts disclosed.

The risk of disease (e.g., brucellosis and tuberculosis) being passed from alternative livestock to wildlife and traditional livestock (if present) would be minimal if fence integrity is maintained and the requirement(s) and/or mitigation measures described in this EA are followed. Potential for disease transmission from alternative livestock is also mitigated through DoL disease testing requirements. Each facility is required to have access to an isolation pen (quarantine facility) on the property or an approved quarantine plan to isolate any animals that are imported or become ill. Snow drift-prone areas and trees along portions of the perimeter fence of the proposed enclosure have the potential to affect fence integrity.

There is some risk of infection to hunters who field dress deer or elk infected with tuberculosis or brucellosis. Routine brucellosis and tuberculosis testing requirements for alternative livestock offer a measure of surveillance that minimizes that risk. Another potential risk to human health would be the attraction of predators to the proposed enclosure and the proximity of residences to the site.

CUMULATIVE EFFECTS

The general area is used for farming, ranching, and rural housing. The Proposed Action would result in numerous impacts that historically and presently occur in the area from domestic livestock grazing. Due to the sparse population in the vicinity of the proposed alternative livestock facility, no significant cumulative impacts to local residents, wildlife, or habitat are expected. Most residents live north and west of the Last Chance site near U.S. Highway 93 (Figure 1). The Spoklie Tobie Creek alternative livestock facility is located about 5 miles west, and the Tutvedt BCD alternative livestock facility is located about 7 miles south of the Last Chance site. The proposed alternative livestock operation would result in potential impacts that are individually minor, but not cumulatively significant.

EA CONCLUSION

MEPA and alternative livestock licensing statutes require FWP to conduct an environmental analysis for proposed alternative livestock operations as described in the *Introduction* of this *Summary* section (p. 1). FWP prepares EAs to determine whether a project would have a significant effect on the environment. If FWP determines that a project would have a significant impact that could not be mitigated to less than significant, then FWP would prepare a more detailed EIS before making a decision.

Based on the criteria evaluated in this EA, an EIS would not be required for the proposed Last Chance alternative livestock facility. The appropriate level of analysis for the Proposed Action is an EA because all impacts of the Proposed Action have been accurately identified in the EA, and all identified significant impacts, if any, would be mitigated to minor or none.

REQUIREMENTS AND MITIGATION MEASURES

The requirements and mitigation measures described in this section address potential impacts identified for the proposed Last Chance alternative livestock operation. FWP would require measures to ensure that the fence enclosure is maintained in game-proof condition. Potential minor impacts from the Proposed Action are addressed as mitigation measures that are strongly recommended to remain in compliance with state and federal environmental laws, but are not required.

REQUIREMENTS

One requirement would be imposed for the proposed Last Chance alternative livestock facility regarding monitoring of the perimeter fence to ensure it is maintained in game-proof condition:

1. Licensee shall inspect the perimeter fence on a regular basis (e.g., weekly) and immediately after or during events that have a greater probability of damaging the fence (e.g., wind storms and significant precipitation events) to insure fence integrity with respect to falling trees, surface water runoff, burrowing animals, predators, and other game animals. Fence inspection shall follow a written fence monitoring plan that is submitted to and approved by FWP prior to issuance of the license. If major repairs are required of the perimeter fence due to falling tree(s) or heavy runoff, no alternative livestock shall be placed back into the affected pasture(s) until the fence is inspected for game-proof condition by a FWP representative. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if ingress or egress occurs at the facility.

The requirement listed above is imposed to mitigate a potential risk to fence integrity and the resulting potential for ingress/egress of alternative livestock and wildlife. The game-proof condition of the fence could be compromised by tree wind-throw and areas of substantial snow accumulation. Regular fence monitoring and a written fence monitoring plan is required so that FWP has a level of confidence that potential fence integrity problems can be detected promptly before egress problems occur.

RECOMMENDED MITIGATION MEASURES

The following recommended mitigation measures address minor impacts identified in this EA for the proposed Last Chance alternative livestock facility for resources that have the potential to be affected by the Proposed Action:

Land Resources

- Maintain a reasonable stocking rate within the enclosure to minimize potential for erosion. A "reasonable stocking rate" could include rotational grazing strategies that limit periods of time that elk would be using any one pasture in order to reduce potential for devegetation and erosion.

Water Resources

- Maintain a reasonable stocking rate in the area to mitigate potential impacts from runoff and fecal matter. Potential water quality impacts also could be minimized by disposing of dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste if applicable). On-site disposal of dead alternative livestock would be regulated by DoL under ARM 32.4.1002.

- For any areas that may have erosion and sedimentation problems, utilize best management practices (BMPs) where surface water could enter the ephemeral drainage channel. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences to be used on a seasonal basis.

Vegetation Resources

- Monitor the alternative livestock site for invasion of noxious weeds and treat affected areas in a timely manner. Should noxious weeds continue to be detected, a weed control program should be implemented, if not already in place, to control the weeds.

- Provide certified weed-free supplemental feed and minerals to the alternative livestock on a seasonal basis to reduce excessive grazing on preferred pasture plants.

- Create/utilize interior pastures such that rotational grazing strategies can be implemented to reduce adverse impacts to vegetation. In particular, allow only seasonal use of saturated soil in wetland areas.

Wildlife Resources

- Store feed away from exterior fences or enclose in bear-resistant containers or buildings.

- Feed alternative livestock at interior portions of the enclosure and not along the perimeter fence.

- Remove dead animals, excess fecal material, and waste feed from the alternative livestock facility and deposit at a site not likely to be used by humans or domestic and wild animals. Dead animals also can be buried on-site in adherence with DoL regulations.

Risk/Health Hazards

- Mitigation measures recommended above for *Water Resources* and *Wildlife Resources* are applicable to this section. In addition, risk of disease epidemic or heavy parasite infections among alternative livestock can be minimized by maintaining a reasonable stocking rate in relation to the enclosure size, periodic removal of manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to alternative livestock.

Cultural & Historical Resources

- If archeological artifacts are observed during construction of the enclosure fence or from other activities, work should stop in the area and the discovery reported to the Montana Historical Society in Helena. If work stoppage in the area containing observed artifacts is not possible, record the location and position of each object, take photographs and preserve the artifact(s).

PART I. ALTERNATIVE LIVESTOCK OPERATION LICENSE APPLICATION

Montana Fish, Wildlife & Park's authority to regulate alternative livestock operations is contained in sections

ENVIRONMENTAL ASSESSMENT CHECKLIST

87-4-406 through 87-4-424, MCA and ARM 12.6.1501 through 12.6.1519.

1. **Name of Project:** Last Chance Elk Ranch

   Date of Acceptance of Completed Application: June 13, 2000

2. **Name, Address and Phone Number of Applicant(s):**

   Mr. And Mrs. Mark Morris
   P.O. Box 1001
   Whitefish, MT 59901

3. **If Applicable:**

   Estimated Construction/Commencement Date: July 2000

   Estimated Completion Date: July 2002

   Is this an application for expansion of existing facility or is a future expansion contemplated?

   No

4. **Location Affected by Proposed Action (county, range and township):**
   Flathead County, 180 acres in the following:
   NW ¼ Sec 24 and SW ¼ Sec. 13, T30N, R22W

5. **Project Size:** Estimate number of acres that would be directly affected that are currently:

   (a) Developed:
   residential....._____acres
   industrial....._____acres

   (b) Open Space/Woodlands/Areas...._____acres

   (c) Wetlands/Riparian Areas..... 3_____acres

   (d) Floodplain..._____acres

   (e) Productive:
   irrigated cropland. 100___acres
   dry cropland....._____acres
   forestry..... 70_____ acres
   rangeland..... 7_____acres
   other....._____acres

6. Map/site plan:

The following maps are included in the introductory summary of this EA:

Figure 1: Site Map
Figure 2: Land Use / Land Cover
Figure 3: Big Game Distribution

7. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action:

FWP received an initial application dated May 8, 2000 from Mark and Sherilyn Morris to construct an alternative livestock facility for elk in Flathead County, Montana. FWP received the application on May 19, 2000, and accepted the application as complete in a letter to Mr. and Mrs. Morris dated June 2, 2000. The proposed Last Chance Elk Ranch alternative livestock facility would be located approximately 5 miles south of Whitefish (Figure 1), and approximately 10 miles north of Kalispell, Montana. The applicants live adjacent to the proposed enclosure.

The proposed alternative livestock facility would consist of 180 acres to be completed in three phases by an estimated date of July 2002. Phase 1 would encompass 5 acres and include 10 elk. Phase 2 would add 25 acres and contain an additional 50 elk, and Phase 3 would add an additional 120 acres and 240 elk. At full capacity for all three phases combined, a total of 360 elk would be in an enclosure covering 180 acres. The proposed facility is located in the northwest corner of Section 24 and the southeast corner of Section 13, T30N, R22W (Figures 1 and 2).

Purposes of the proposed elk ranch include breeding stock, meat production, and antler production. According to the applicants, no public shooting of alternative livestock would be allowed in the enclosure. Elk to be initially released into the enclosure would be purchased from a licensed alternative livestock facility. Wild animals would be removed from the enclosure prior to licensing.

Fence construction would be completed in accordance with requirements of FWP under ARM 12.6.1531. Elk ranch fencing would consist of 8-foot high, high-tensile, Tightlock steel wire fencing. One exterior gate and two interior gates would be constructed for the enclosure (Figure 2); however, another gate not yet located would be included for the Phase 3 enclosure (to be approved by FWP). Gates would be constructed of 8-ft tall X 16-ft wide steel wire mesh with lock and latch (Figure 2).

A handling and quarantine facility would be constructed in the southwestern corner of the Phase 1 enclosure for purposes of handling and testing the alternative livestock (Figure 2). Construction of this facility would meet requirements of the Montana Department of Livestock (DoL) under ARM 32.4.801.

8. **Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction:**

(a) Permits:

Agency Name	Permit	Approval Date and Number
Department of Livestock	Approval of quarantine	Pending

(b) Funding:

Agency Name	Funding Amount
None	

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
- Montana Department of Livestock (DoL)	disease control
- Montana Department of Environmental Quality (DEQ)	water quality, air quality waste management
- Montana State Historical Preservation Office (SHPO)	cultural resources
- Montana Department of Natural Resources and Conservation (DNRC)	water rights
- Natural Resource Conservation Service (NRCS)	soil conservation
- Flathead County Conservation District	stream crossings
- Flathead County Weed Control District	weed control
- Flathead County Tax Department	tax assessment

9. **List of Agencies Consulted During Preparation of the EA:**

Montana Department of Livestock
Montana Department of Environmental Quality
Montana State Historical Preservation Office
Montana Department of Natural Resources and Conservation

REFERENCES:

Morris, Mark and Sherilyn. 2000. Application for Last Chance Elk Ranch Alternative Livestock Operation, dated May 8, 2000.

PART II. ENVIRONMENTAL REVIEW

This section of the EA presents results of an environmental review of the proposed Last Chance Elk Ranch alternative livestock operation (Proposed Action). The assessment evaluated direct and indirect impacts and cumulative effects of the Proposed Action on the following resources of the physical environment: land, air, water, vegetation, fish and wildlife; and the following concerns of the human environment: noise, land use, human health risk, community impacts, public services and taxes, aesthetics and recreation, and cultural and historical resources. Impacts were determined to fall in one of four categories: unknown, none, minor and significant. For the purposes of this EA, and in accordance with ARM 12.6.1525, these terms are defined as follows:

EA DEFINITIONS

Cumulative Effects: Collective impacts on the physical and human environment of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impacts statement evaluation, or permit processing procedures.

Unknown Impacts: Information is not available to facilitate a reasonable prediction of potential impacts.

Significant Impacts: A determination of significance of an impact in this EA is based on individual and cumulative impacts from the Proposed Action. If the Proposed Action results in significant impacts that can not be effectively mitigated, FWP must prepare an EIS. The following criteria are considered in determining the significance of each impact on the quality of the human environment:

- severity, duration, geographic extent and frequency of occurrence of the impact;
- probability that the impact would occur if the Proposed Action occurs;
- growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative effects;
- quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values;
- importance to the state and to society of each environmental resource or value that would be affected;
- any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions with significant impacts or a decision in principle about such future actions; and
- potential conflict with local, state, or federal laws, requirements, or formal plans.

Reasonable Stocking Rate: The density of animals appropriate to maintain vegetative cover in pasture condition that minimizes soil erosion from major precipitation events and snowmelt. Factors to consider in determining an overall reasonable stocking rate include vegetation type and density, ground slope, soil type, and precipitation.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES	Impact				Can Impact be Mitigated	Comment Index
Will Proposed Action result in:	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X		Yes	1(b)
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				

AFFECTED ENVIRONMENT:

The proposed Last Chance alternative livestock operation would be located on approximately 180 acres of forested land and woodland pasture, approximately 2 miles west of the Whitefish River and 2½ miles east of the Stillwater River. The site consists of gentle slopes (0 to 20%) surrounding a small drainage that occasionally flows north to a marsh located off the property. The proposed enclosure includes several seasonal ponds. The elevation of the site ranges from 3,140 to 3,180 feet above mean sea level. Current land use of the area in the vicinity of the site is silviculture, agriculture, and residential. The Stillwater State Forest is located about 2 miles south of the proposed facility.

General topography of the area is dominated by glacial features resulting from the late Wisconsin-age Cordilleran ice sheet which covered the land surfaces of northwest Montana to an elevation of 5,100 feet (Johns, 1970), and subsequent alluvial features produced as the ice melted and retreated. Bedrock is predominantly metasedimentary rock of the Precambrian-age Belt Series Formation.

According to the soil survey of the Upper Flathead Valley (USDA, 1960), soil on about 70 percent of the site consists of the Whitefish cobbly silt loam. The Whitefish series consists of deep, well-drained, light-colored, silty soils containing some gravel and large stones on the surface that are underlain by gray, calcareous till. These soils have developed from calcareous, medium-textured, glacial till containing a large percentage of round gravel, cobbles, and large stones.

The Radnor silt loam occupies roughly 25 percent of the area in the central portion of the site (USDA, 1960). The Radnor series consists of moderately deep, poorly drained soils in depressed areas that have poor drainage. The parent material is medium and moderately fine textured glacial lake sediments derived from argillite, quartzite, and dolomitic limestone of the Belt geological formation. The soils have a muck or peatlike surface layer, 2 to 8 inches thick, and a gray, clayey surface soil, 4 to 8 inches thick. The subsoil is gray silty clay loam. The water table in the Radnor soils is generally within 2 or 3 feet of the surface. Most of these soils are flooded part of the time. Some remain wet to the surface throughout the year.

Muck and peat are mapped on 5 percent of the site near the southwest corner of the property (USDA, 1960). This mapping unit consists of the deposits of mosses, rushes, grasses, sedges, cattails, trees, and other woody plants in various stages of decomposition. The depth of these deposits over mineral soil ranges from 1 foot to more than 4 feet. Many small intermittent lakes and kettle holes contain deposits of muck and peat. All of these areas are moist or saturated most or all the time. Areas of muck and peat not flooded consist mainly of organic material. Where periodically flooded, the organic matter is mixed with mineral-soil sediment and all layers are dark brown. In places thin bands of mineral soil occur between layers of muck and peat. The seasonal fluctuation of the water table allows some areas to dry out part of the year.

PROPOSED ACTION:

1(b) – Environmental impacts to land and soil resources associated with the Proposed Action of creating a 180-acre alternative livestock facility to accommodate up to 360 elk at full capacity are directly related to the stocking rate. Poorly drained soils in the central portion of the site and near the southwest corner present a risk of compaction and disruption if heavy use by elk occurs especially in areas of muck and peat, which have low soil strength. Soil compaction coupled with high densities of animals, can result in a reduction of plant cover and an increase in runoff from the affected areas.

NO ACTION:

Under the No Action Alternative, the current condition of the property would not change relative to use by alternative livestock and no related impacts to soil and land resources are expected beyond those impacts due to current practices.

CUMULATIVE EFFECTS:

As this area is used for agricultural production, the cumulative effect of using the proposed area for an alternative livestock facility is expected to be slight. The proposed facility does not contain any unique or significant soil or land resources that would be lost due to the proposed land use change.

REQUIRED STIPULATIONS:

None

RECOMMENDED MITIGATION MEASURES:

- Maintain a reasonable stocking rate within the enclosure to minimize potential for erosion. A "reasonable stocking rate" could include rotational grazing strategies that limit periods of time that elk would be using any one pasture in order to reduce potential for devegetation and erosion.

REFERENCES:

Johns, Willis M., 1970. Geology and Mineral Deposits of Lincoln and Flathead Counties, Montana. Montana Bureau of Mines and Geology, Butte, Montana. Bulletin 79,. 182 pages with maps.

U.S. Department of Agriculture (USDA), Soil Conservation Service (SCS), 1960. Soil Survey of the Upper Flathead Valley Area, Montana. USDA SCS in cooperation with Montana Agriculture Experiment Station. USDA Washington, D.S. Series 1946 No. 4, 67 pages with plates.

2. AIR RESOURCES Will Proposed Action result in:	Impact				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				

AFFECTED ENVIRONMENT:

The proposed alternative livestock site is situated predominantly in a forested and agricultural area approximately 5 miles from Whitefish, Montana (Figure 1). A gravel road provides access to the site. The nearby area is sparsely populated with no apparent air quality problems, and is not classified for air quality attainment status (Montana DEQ, 1997). The nearest neighboring permanent residences are located approximately ¼-mile from the site. The addition of up to 360 domestic elk to the proposed enclosure is not expected to cause any odor problems in this sparsely populated, agricultural region.

NO ACTION:

The current level of minor odors in the area from the existing and historic domestic livestock grazing activities would remain the same under the No Action alternative.

COMMENTS:

No stipulations or mitigation measures are required or recommended for air resources.

REFERENCES:

Montana Department of Environmental Quality (DEQ). 1997. Montana Air Quality Non-Attainment Areas. Revised January 1997.

3. WATER RESOURCES Will Proposed Action result in:	Impact				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3(a)
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3(b)
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?			X		Yes	3(f)
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
I. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				

AFFECTED ENVIRONMENT:

The proposed Last Chance alternative livestock operation would be located in the Whitefish River drainage, approximately 2 miles west of the river (Figures 1 and 2) and 2½ miles east of the Stillwater River. The site contains an ephemeral drainage that occasionally flows northward to a large marsh located about ½-mile north of the property. Overland flow occurs across portions of the site during periods of snow-melt and heavy precipitation events. The proposed enclosure includes several seasonal ponds. Average annual precipitation at Whitefish and Kalispell is about 22.6 inches and 15.3 inches, respectively; average annual total snowfall is about 74 inches at Whitefish and 59 inches at Kalispell (Western Regional Climate Center, 2000).

The primary aquifer in the project area is bedrock of Precambrian-age Belt Series Formation. Surficial glacial deposits, however, contain small quantities of shallow groundwater. Water for the proposed alternative livestock would be obtained from a well at the site. A listing of groundwater rights within 1 mile of the proposed enclosure shows numerous wells to the north and east of the site in areas of residential development. Few wells are located south and west of the proposed enclosure. Most wells are completed to

depths greater than 100 feet, and in several cases, exceed a depth of 300 feet (Montana Department of Natural Resources and Conservation [DNRC], 2000) and Montana Bureau of Mines and Geology [MBMG], 2000). Direction of groundwater flow in the vicinity of the proposed alternative livestock facility probably is variable in the unconsolidated sediments, but southeasterly in bedrock. Depth to groundwater in bedrock is generally greater than 100 feet, with limited quantities of shallow water in unconsolidated alluvial and glacial sediments. During the spring and early summer period, soil in the low-lying areas becomes saturated to the surface (i.e., marshy areas).

Montana's Section 303(d) list of impaired water bodies shows that the Whitefish River (23.7 miles from Whitefish Lake to mouth; B-2 use classification) is impaired for aquatic life and cold water fisheries, with probable causes due to organics, metals, nitrogen, thermal modifications, and oil/grease (Montana Department of Environmental Quality [DEQ], 2000). A few surface water rights are held in the vicinity of the proposed enclosure; however, most are associated with the Whitefish River (Montana DNRC, 2000).

PROPOSED ACTION:

3(a) & 3(b) – Increased runoff and erosion would occur in some areas of the alternative livestock site if the stocking rate exceeds the carrying capacity of the pasture and vegetative cover is diminished. The proposal to pasture 360 alternative livestock on the 180-acre site would be expected to reduce vegetative cover. Areas of the proposed enclosure that would be most susceptible to erosion problems are on the wet marshy areas. The extent to which erosion would occur is dependent primarily on animal density and period of occupancy in a given area. Any sediment that leaves the proposed enclosure area would exit along the ephemeral drainage to the north and enter a large marshy area approximately ½-mile from the site (Figure 2).

If vegetative cover is reduced significantly, the operation could meet the definition of an "animal feeding operation" (ARM 17.30.1304(3)). If water containment structures are needed on the project site to control runoff and do not have the capacity for the 25-year, 24-hour storm, a "concentrated animal feeding operations" (CAFO) permit must be obtained from Montana Department of Environmental Quality to permit the discharge.

3(f) – Domestic elk fecal matter and nutrient-enriched water would have a minor effect on the quality of water in the vicinity of the alternative livestock ranch (dependent upon animal density and waste management practices), primarily during periods of snow-melt and major precipitation events. Nutrients in runoff from the site would enter the marshy area to the north of the proposed enclosure. Due to the considerable depth to groundwater in the primary aquifer (i.e., bedrock), adverse impacts to groundwater quality are expected to be minor or none.

On-site disposal of dead elk would be regulated by DoL under ARM 32.4.1002. Potential transport of pathogens from the proposed enclosure into surface water is discussed in the following *Risk/Health Hazards* section (section no. 8).

NO ACTION:

Current hydrologic conditions are not expected to change under the No Action alternative.

CUMULATIVE EFFECTS:

The general area is used for farming, ranching, and rural housing. This facility, in combination with the existing agricultural uses in the area, is not expected to cumulatively impact water resources within this part of the Whitefish River watershed.

COMMENTS:

Due to potential minor impacts identified above from increased runoff and elk fecal matter, several mitigation measures are recommended. Other water quality protection practices may be required by the Montana DEQ if it is determined that a CAFO permit is necessary or if significant water quality problems develop. Refer to "Guide to Animal Waste Management and Water Quality Protection in Montana" (DEQ 1996) and "Common Sense and Water Quality, A Handbook for Livestock Producers" (Montana Department of Health and Environmental Sciences, 1994) for further information on mitigation measures and CAFO permits. The following management practices are recommended to minimize the risk of discharging pollutants to state water:

REQUIRED STIPULATIONS:

None

RECOMMENDED MITIGATION MEASURES:

- Maintain a reasonable stocking rate in the area to mitigate potential minor impacts from runoff and fecal matter. Potential water quality impacts also could be minimized by disposing dead animals and excess fecal material at a site that is isolated from surface water and groundwater (disposal must meet county regulations for solid waste if applicable). On-site disposal of dead alternative livestock would be regulated by DoL under ARM 32.4.1002.

- For any areas that may have erosion and sedimentation problems, utilize best management practices (BMPs) where surface water could enter the ephemeral drainage channel. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences to be used on a seasonal basis.

REFERENCES:

Montana Bureau of Mines and Geology (MBMG), 2000. Groundwater Information Center Report of Wells Within Sections 13, 14, 23, & 24, T30N, R22W. Obtained On-line from Internet. August 2000.

Montana Department of Environmental Quality (DEQ), 2000. Montana 303D List, A Compilation of Impaired and Threatened Waters in Need of Restoration. Helena, MT. April 2000.

Montana DEQ, 1996. Guide to Animal Waste Management and Water Quality Protection in Montana. Helena, MT.

Montana Department of Health and Environmental Sciences (DHES), 1994. Common Sense and Water Quality, A Handbook for Livestock Producers. Water Quality Division. Helena, MT.

Montana Department of Natural Resources and Conservation (DNRC), 2000. Water Rights Listing from Internet (ftp://flathead.dnrc.state.mt.us/water/data). August 2000.

Western Regional Climate Center, 2000. Monthly Climate Summary for Whitefish, Montana (248902) and Kalispell, Montana (244563). Obtained On-line from Internet. August 2000.

4. VEGETATION Will Proposed Action result in:	Impact				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes	4(a)
b. Alteration of a plant community?			X		Yes	4(b)
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?			X		Yes	4(d)
e. Establishment or spread of noxious weeds?			X		Yes	4(e)

AFFECTED ENVIRONMENT:

The proposed 180 acre alternative livestock site is situated on forested uplands. The proposed enclosure area is comprised primarily of a mix of conifer forest (45%), sub-irrigated pasture or meadow grasses (50%), and riparian habitat (i.e., wetlands; 5%) associated with ponds. This site has been grazed by domestic livestock and logged for home builders. The rangeland vegetation and dryland alfalfa appear to have been seeded as part of the Conservation Reserve Program (CRP) on the property. Estimated total forage production of the site is about 250 tons per year. Federally-listed threatened or endangered plant species were not observed within the proposed alternative livestock site.

PROPOSED ACTION:

4(a) – The Proposed Action would place up to 360 domestic elk on 180 acres for year-round occupation. This stocking rate would be a relatively high 2 animals per acre. Forage consumption over a 1-year period for 360 adult animals and their offspring would be approximately 650 tons. The proposed alternative livestock site would supply only about one-third of the total forage needs of the facility when fully stocked. This maximum stocking rate could contribute to the long-term decline of vegetation resources, both in terms of plant species composition and productivity of the site. Supplemental feed would be required to sustain the animals during the non-growing season and some feed would need to be provided during the growing season to help reduce use of existing vegetation.

4(b) – There are no plans to mechanically alter existing vegetation on the proposed alternative livestock ranch, other than to thin some forested portions. The proposed maximum stocking level of 2 elk per acre is high and there would be a slow decline in palatable plant species as full capacity is reached. This would alter existing plant communities in upland areas. Under heavy grazing, there would be a shift from perennial palatable plants to forbs, shrubs, and possibly weeds.

4(d) – Year-round grazing of alternative livestock could result in a reduction of productivity of soil and plant communities on the site. This site currently is used to pasture cattle and occasionally cut trees for log home builders. The Proposed Action would be a minor change in agricultural productivity of the land.

4(e) – Under an intensive grazing regime for the alternative livestock, noxious weeds, which currently exist on the site (e.g., St. Johns Wort), would be expected to spread through the area and subsequently increase in abundance. Weeds would spread quickly to disturbed areas around any site that animals are fed or handled. Weed seeds could be imported into the area with supplemental feed or hay. The maximum stocking rate would provide opportunity for weeds to become established throughout the proposed alternative livestock site.

NO ACTION:

Current vegetative communities are not expected to change appreciably unless stocking density and duration are such that vegetative cover is diminished and noxious weeds or other undesirable plant species invade and become dominant.

CUMULATIVE EFFECTS:

The general area is used for farming, ranching, and rural housing. Livestock grazing occurs on other land in the area, and in some cases, impacts to vegetation are occurring. Cumulative impacts to vegetation due to this proposed operation could develop if the maximum stocking rate is attained; however, the magnitude of these effects is expected to be minor on a cumulative basis.

REQUIRED STIPULATIONS:

None

RECOMMENDED MITIGATION MEASURES:

- Monitor the alternative livestock site for invasion of noxious weeds and treat affected areas in a timely manner. Should noxious weeds continue to be detected, a weed control program should be implemented, if not already in place, to control the weeds.

- Provide certified weed-free supplemental feed and minerals to the alternative livestock on a seasonal basis to reduce excessive grazing on preferred pasture plants.

- Create/utilize interior pastures such that rotational grazing strategies can be implemented to reduce adverse impacts to vegetation. In particular, allow only seasonal use of saturated soil in wetland areas.

5. FISH & WILDLIFE Will Proposed Action result in:	Impact				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?			X		Yes	5(b)
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?			X		Yes	5(g)

AFFECTED ENVIRONMENT:

The proposed alternative livestock site and surrounding land is year-round white-tailed deer habitat (Figure 3). There is no density estimate for deer in this area during summer. During winter, migratory deer move into the area from the Stillwater State Forest to the south and west. Elk and moose general and winter range has been delineated by FWP approximately ½ to 1 mile west and north of the proposed facility (Figure 3), though these species likely frequent the area on a sporadic basis during all or most of the year. The area is also frequented by black bears and possibly mountain lions (Tim Thier, FWP, pers. comm., 2000).

PROPOSED ACTION:

5(b) – The exclusion of wild deer from 180 acres would displace a few resident deer from forested and meadow habitat in the area. Wild elk and/or deer may be attracted to the alternative livestock and may try to enter the facility, especially during the breeding season. Wild deer or elk entering the proposed facility would likely be destroyed rather than released back to the wild to reduce any chance of disease transmission to wild herds. The licensee may request FWP to conduct disease testing, at the licensee's expense, of the ingress animals to assure no disease exposure has occurred.

Mountain lions and black bears could potentially pass through this area and may be attracted to the alternative livestock to a minor degree. Should any predator enter the enclosure, live capture and removal of the trespassing animal may be possible; however, this is not without risks to the animal. Predators that enter the enclosure and kill or injure alternative livestock would likely be destroyed.

Tree wind-throw and snow accumulation along the perimeter fence have the potential to affect fence integrity.

Another concern regards the escape of captive elk and the potential for interbreeding of wild elk with domestic elk whose genetic make-up has been altered through several generations of selective breeding or through interbreeding with domestic red-deer. Although red-deer are now a prohibited species in Montana, historically some alternative livestock operators did bring red-deer or red-deer hybrids into their facilities. The concern regarding red-deer hybrids is partially mitigated through current regulations. All elk placed on a proposed alternative livestock facility are required to be tested for red-deer genes prior to movement to the facility. The required elk/red-deer hybrid test, however, may not effectively identify red-deer hybrids if the animal is more than two generations removed from a pure red-deer parent. Fencing requirements, including monitoring described in this EA, would limit the potential for ingress and egress resulting in a low probability for ingress or egress and resulting interbreeding to occur. Although the impact of genetic pollution on wild elk herds is unknown, the effect is undesirable in terms of maintaining genetic integrity of existing populations.

5(g) -- Construction of the enclosure would result in conditions that increase stress on a relatively minor basis to deer living in this area by eliminating some habitat. Deer moving along through the area would have to walk around the perimeter fence.

NO ACTION:

No wildlife-related impacts are expected to occur under the No Action alternative. Use of the general area for ranching and farming would continue.

CUMULATIVE EFFECTS:

The general area is used for farming, ranching, and rural housing, and cumulative impacts associated with the addition of a 180 acre facility to raise alternative livestock is considered minor.

REQUIRED STIPULATIONS:

None

RECOMMENDED MITIGATION MEASURES:

The following management practices will help to minimize impacts to free-ranging wildlife species. Implementing these mitigation measures, most of which are standard practices, is highly recommended.

- Store feed away from exterior fences or enclose in bear-resistant containers or buildings.
- Feed alternative livestock at interior portions of the enclosure and not along the perimeter fence.
- Remove dead animals, excess fecal matter, and waste feed from the alternative livestock facility and deposit at a site not likely to be used by humans or domestic and wild animals. Dead animals also can be buried on-site in adherence to DoL regulations.

SUMMARY OF POTENTIAL IMPACTS TO WILDLIFE:

1) Wildlife use of the area and potential for through-the-fence contact with alternative livestock (consider year-round use, traditional seasonal habitat use, and location of travel routes and migration corridors).

Given year-round use of the area by deer and occasionally elk and moose, the potential for nose-to-nose contact through the fence is present and would increase during the winter months. This risk of contact can be reduced by feeding alternative livestock at interior portions of enclosures rather than along exterior fences, and by closely monitoring exterior fences on a frequent basis.

Frequency of fence line contact between alternative livestock and wildlife and the risk that this contact might result in disease transmission is mitigated by disease testing requirements. In order for disease transmission to occur, the organism causing the disease needs to be present. Any alternative livestock introduced to this proposed facility would be tested disease-free for brucellosis and tuberculosis prior to movement to the facility, so the likelihood of transmission from domestic to wild animals is minimal.

2) Potential for escape of alternative livestock or ingress of wildlife (consider site-specific factors that could reduce the effectiveness of perimeter fences built to the standards outlines in Rule 12.6.1503A, including steepness of terrain, winter snow depths/drifting, susceptibility of fences to flood damage, etc.).

The proposed exterior fence alignment would follow low-gradient slopes (0 - 20 percent). Winter snow depths in this area can reach 60 inches. Blowing and drifting snow could also be a concern during some winters. Trees along portions of the proposed exterior fence also are a concern with respect to strong winds that could result in fallen trees across the fence (i.e., wind-throw).

3) Proportion (%) of the total habitat area currently used by wildlife that will be enclosed or otherwise impacted.

Wildlife currently use many thousands of acres in the area, even during the more restricted winter months. The proportion of habitat excluded by the proposed facility constitutes far less than 1 percent of the area.

REFERENCES:

Thier, Tim. 2000. Wildlife Biologist with Montana Fish, Wildlife & Parks, Region 1. Personal Communication with Pat Mullen of Maxim Technologies, Inc., Helena, Montana. August 2000.

B. HUMAN ENVIRONMENT

6. NOISE & ELECTRICAL EFFECTS Will Proposed Action result in:	Impact				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Increase in existing noise levels?		X				
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

PROPOSED ACTION:

No impacts to existing noise levels are expected, except from bull elk bugling during the mating season. Given the few number of close neighbors in the vicinity, bugling noise is not expected to be a problem.

NO ACTION:

No impacts to existing noise levels are expected.

COMMENTS:

No stipulations or mitigation measures are required or recommended. If elk bugling results in complaints by nearby residents, the number of bull elk present in the enclosure during the mating season could be reduced.

7. LAND USE Will Proposed Action result in:	Impact				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Conflict with any existing land use that would be adversely affected by the proposed action?		X				
e. Adverse effects on or relocation of residences?			X		Yes	7(e)

AFFECTED ENVIRONMENT:

Most land immediately surrounding the proposed alternative livestock site is forested, agricultural, and rural residential land. The general area has historically been used by the local farmers and ranchers. Several blocks of Stillwater State Forest land are located within 1 to 2 miles of the proposed enclosure (Figure 1). The Kuhns Wildlife Management area is located about 2½ miles west-southwest of the proposed enclosure. This sparsely populated area apparently is not zoned for any specific use, although agriculture is the prevailing land use. Several county roads are located within 2 miles of the proposed alternative livestock site, and U.S. Highway 93 is about ¼-mile to the east (Figure 1). The nearest permanent residences are located approximately ¼ -mile from the proposed alternative livestock facility, most of which are east and north of the site near U.S. Highway 93.

PROPOSED ACTION:

7(e) – The proposed alternative livestock operation would be compatible with existing agricultural land uses. The enclosure would not result in the loss of currently used pasture/crop land. With respect to land use, no conflicts should result between alternative livestock operation and the agricultural or residential use of the surrounding area. Potential effects of the ranch on adjacent property values are difficult to evaluate because some nearby owners or residents may like the idea of an alternative livestock facility, whereas others would find it undesirable.

NO ACTION:

Under the No Action alternative, existing uses would likely continue on the property.

CUMULATIVE EFFECTS:

No cumulative effects are expected on land use as a result of the Proposed Action.

COMMENTS: No stipulations or mitigation measures are required or recommended.

8. RISK/HEALTH HAZARDS Will Proposed Action result in:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Risk of dispersal of hazardous substances (including, but not limited to chemicals, pathogens, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8(a)
b. Creation of any hazard or potential hazard to domestic livestock?		X				8(b)
c. Increased risk of contact and disease between elk ranch animals and wild game?			X		Yes	8(c)
d. Creation of any hazard or potential hazard to human health?			X		Yes	8(d)

AFFECTED ENVIRONMENT:

See Section 3 (*Water Resources*) and Section 5 (*Fish & Wildlife*) for information that describes the affected environment with respect to this section (*Risk/Health Hazards*). It should be noted that the applicant does not propose public shooting of alternative livestock at this facility.

PROPOSED ACTION:

8(a) – There is potential for transmission of water-borne disease pathogens, if present, to be transported downstream from the facility via runoff into the north flowing ephemeral drainage. This is expected to be a minor risk because of alternative livestock disease testing requirements, lack of flow in the drainage for most of each year, and surface water from the drainage is not expected to be used for human consumption (unless treated). The route of chronic wasting disease (CWD) transmission at this time is unknown; therefore, the potential for transmission by soil, water, or other media cannot be determined, nor impacts disclosed.

Risk of disease transmission can be mitigated through the existing CWD surveillance of Montana alternative livestock. The DoL's CWD regulations provide requirements for mandatory surveillance, and enhancement of trace-back and observation capabilities. The mandatory 5 years of CWD surveillance prior to importation into Montana minimizes the risk of introduction of additional cases into the state. Route of CWD transmission at this time is unknown; therefore, the potential for transmission by soil, water or other media into receptor animals cannot be determined.

8(b) – No livestock are currently pastured in the proposed enclosure; however, there is a potential for livestock to graze in pastures adjacent to the perimeter fence after it is constructed. Montana is presently a tuberculosis-free and brucellosis-free state (i.e., these diseases have not been diagnosed in traditional livestock). There is currently no evidence of CWD transmission to traditional domestic livestock.

8(c) – DoL currently conducts disease monitoring and testing for brucellosis, tuberculosis, and CWD. Brucellosis has not occurred on any alternative livestock facility in Montana. At this time, Montana is classified as a Brucellosis Class Free and Tuberculosis Accredited Free State; this disease does not exist in alternative livestock or traditional livestock in Montana. All animals to be placed on this facility are required to be tested for brucellosis and tuberculosis at the time of import, purchase, and/or transportation to the facility.

Risk of disease transmission can be further mitigated through the existing CWD surveillance of Montana alternative livestock. Through this surveillance (placed on all alternative livestock operations by DoL in April 1999), CWD was detected in a Montana alternative livestock facility. The CWD affected herd was depopulated. All Montana alternative livestock 16 months of age or older that die are subject to mandatory testing for CWD. Additional CWD regulations provide requirements for mandatory surveillance,

enhancement of trace-back, and observation capabilities. The mandatory 5 years of CWD surveillance prior to importation into Montana minimizes the risk of introduction of additional cases into the state.

Each alternative livestock facility is required to have access to an isolation pen (quarantine facility) on the facility or an approved quarantine plan to isolate any animals that are imported or become ill. The state veterinarian can require additional testing and place herds under strict quarantine should problems arise. In addition to the standard requirements for alternative livestock facilities and the requirements and/or recommended mitigation measures proposed in this EA, it should be noted that there are significant economic incentives for the applicant to follow best management practices. The inadvertent acquisition of diseased animals would risk a substantial investment in breeding stock and the facilities required to maintain those animals.

Fence integrity must be maintained to minimize the potential for contact between alternative livestock and wild game through ingress and egress. Tree wind-throw and snow accumulation along the perimeter fence have the potential to affect fence integrity. Standard fencing requirements and monitoring and mitigation measures specified in this EA would substantially reduce potential for ingress and egress.

8(d) – There is a minor risk of infection to hunters who field dress deer or elk infected with tuberculosis or brucellosis. Routine brucellosis and tuberculosis testing requirements for alternative livestock offer a measure of surveillance that minimizes that risk. Failure to comply with these requirements is grounds for license revocation. Hunters routinely kill wild mule deer and elk in areas of Wyoming and Colorado where CWD is known to occur. To date, there have been no confirmed cases of CWD transmission to humans.

Another potential minor risk to human health would be the attraction of predators to the proposed enclosure and the proximity of residences to the site. Therefore, increased encounters between predators (e.g., mountain lions and wolves) and humans or their vehicles could occur as a result of the enclosure area.

NO ACTION:

Risk/health hazards would not occur from the No Action alternative, other than those that may be associated with the existing land use.

CUMULATIVE EFFECTS:

No cumulative risk/health hazards are expected as a result of the Proposed Action.

REQUIRED STIPULATIONS:

None

RECOMMENDED MITIGATION MEASURES:

Mitigation measures recommended above for *Water Resources* and *Fish & Wildlife* are applicable to this section. In addition, risk of disease epidemic or heavy parasite infections among alternative livestock can be minimized by maintaining a reasonable animal stocking rate in relation to the enclosure size, periodic removal of manure from concentration areas, and development of a disease immunization and parasite treatment protocol as applicable to alternative livestock.

9. COMMUNITY IMPACT Will Proposed Action result in:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Changes in historic or traditional recreational use of an area?		X				
f. Changes in existing public benefits provided by affected wildlife populations and wildlife habitats (educational, cultural or historic)?		X				
g. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

AFFECTED ENVIRONMENT:

The proposed alternative livestock facility is located in Flathead County, approximately 5 miles south of Whitefish. Land in the general area has historically been used by local farmers, ranchers, and loggers. The proposed operation would not have a noticeable affect on nearby communities. Local residents in the vicinity of the alternative livestock site appreciate their space and outdoor recreational activities provided by the natural environment and its resources, such as hunting, fishing, hiking, photographing, and wildlife and landscape viewing. Several parcels of Stillwater State Forest land are located within 1 to 2 miles of the proposed enclosure (Figure 1).

PROPOSED ACTION:

Some local residents may feel the alternative livestock operation would decrease their quality of life. Neighbors harboring negative feelings about the operation would perceive a loss in their sense of social well-being. However, some neighbors and local residents may like the idea of an alternative livestock facility and enjoy viewing the elk, deer, or other alternative livestock. These people may feel the facility would add to their quality of life and sense of well-being.

NO ACTION:

Although there would be no alternative livestock facility as proposed by the applicants with the No Action alternative, denial of the application may be welcomed by those who would be opposed to it, if any. Ill feelings however, may be harbored by people who favor the facility.

COMMENTS:

No stipulations or mitigation measures are required or recommended.

10. PUBLIC SERVICES & TAXES Will Proposed Action result in:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. A need for new or altered government services (specifically an increased regulatory role for FWP and Dept. of Livestock)?			X		NA	10(a)
b. A change in the local or state tax base and revenues?			X		NA	10(b)
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				

AFFECTED ENVIRONMENT:

The property owners currently pay property taxes for the land proposed for the alternative livestock site. The applicants would pay taxes on the animals after they are placed on the site. Prevailing land use in the vicinity of the proposed facility is agricultural, which has a relatively low average appraisal value.

PROPOSED ACTION:

10(a) – Approval of the alternative livestock facility would increase time and expenses spent by FWP and DoL personnel inspecting and monitoring the operation. Since neither FWP or DoL has the option of hiring additional employees to handle the increased workload that would be created by the facility, activities of the current staff would need to be re-prioritized to meet the increased demand created by operation.

10(b) – Placing alternative livestock in the proposed facility would increase the annual tax contribution from the property, with collected taxes going toward the state, county, and local school district. Alternative livestock placed on the proposed facility would require Class 6 property tax and per capita tax on the animals to be paid. Additional Class 6 taxes and per capita taxes would be paid for any alternative livestock born on the facility, with the Class 6 taxes collected going to the local county and the per capita taxes going to the state. The annual tax contribution from Class 6 and per capita taxes would increase due to the facility.

NO ACTION:

Under the No Action alternative, FWP and DoL would not have to inspect and monitor this alternative livestock facility. The current status of tax payments for this property would remain for the No Action alternative.

CUMULATIVE EFFECTS:

Due to an increase in the number of alternative livestock facilities in the general area, cumulative effects on agency work load would occur to permit and monitor these activities.

COMMENTS:

No stipulations or mitigation measures are required or recommended.

11. AESTHETICS & RECREATION Will Proposed Action result in:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings?		X				

AFFECTED ENVIRONMENT:

The proposed alternative livestock site is located in a sparsely populated area of Flathead County approximately 5 miles south of Whitefish and approximately 10 miles north of Kalispell Montana. Locals occasionally recreate in the Stillwater State Forest, several parcels of which are within 1 to 2 miles of the proposed alternative livestock facility (Figure 1).

PROPOSED ACTION:

The presence of the alternative livestock and 8-foot high fence is not expected to result in any adverse impact to the area's visual character or limited recreation opportunities.

NO ACTION:

No adverse impacts to aesthetics or recreation are expected under the No Action alternative.

COMMENTS:

No stipulations or mitigation measures are required or recommended.

12. CULTURAL & HISTORICAL RESOURCES Will Proposed Action result in:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Destruction or alteration of any site, structure or object of prehistoric, historic, or paleontological importance?	X				Yes	12(a)
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				

AFFECTED ENVIRONMENT:

A file search was conducted by the State Historic Preservation Office (SHPO) for the proposed project area. Results of this search show there are no previously recorded historic or archaeological sites within the designated project site (SHPO 2000). One previous cultural resource inventory was conducted for the general area – William Babcock's *Cultural Resource Inventory: Kalispell – Whitefish*, completed in November 1986 for the Montana Department of Transportation.

PROPOSED ACTION:

12(a) – According to SHPO (2000), there is a potential for unknown or unrecorded cultural properties to be impacted by the Proposed Action. It recommends that a reconnaissance survey be conducted in order to determine whether or not such sites exist and if they will be impacted.

NO ACTION:

No impacts to cultural resources are expected from the No Action alternative unless other disturbances occur within the property.

CUMULATIVE EFFECTS:

No additional impacts from past, present and reasonably foreseeable activities near the proposed alternative livestock facility are anticipated.

REQUIRED STIPULATIONS: None.

RECOMMENDED MITIGATION MEASURES:

If archeological artifacts are observed during construction of the facility fence or from other activities, work should stop in the area and the discovery reported to:

Montana Historical Society; Historic Preservation Office
1410 8th Avenue; P.O. Box 201202; Helena, Montana 59620
Phone (406) 444-7715

If work stoppage in the area containing observed artifacts is not possible, record the location and position of each object, take photographs and preserve the artifact(s).

REFERENCES:

Montana State Historic Preservation Office (SHPO), 2000. Letter from Phillip Melton (SHPO, Helena, MT) to Montana Fish, Wildlife & Parks, Region 1. June, 2000.

C. SUMMARY

13. SUMMARY Would Proposed Action, considered as a whole:	Impact				Can Impact be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?			X		Yes	13(b)
c. Potentially conflict with the substantive requirements or any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts would be proposed?	X					13(d)
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X		Yes	13(e)

PROPOSED ACTION:

13(b) – Refer to discussion in Section 5 (*Fish & Wildlife*) and Section 8 (*Risk/Health Hazards*).

13(d) – The precedent for permitting alternative livestock ranches with the knowledge that there are some uncertainties about the potential risk of disease transmission between captive and wild animals already is established. The alternative livestock industry is established in Montana and the legislature recognizes that the production of alternative livestock provides a viable economic opportunity for any private property owner as well as the traditional livestock producers who are interested in diversifying their ranch productivity (MCA 87-4-431). Statutes and regulations that govern the industry presume that it is appropriate to permit new operations, with reasonable restrictions to protect Montana's interests in its resident wildlife.

13(e) – Montana FWP and DoL acknowledge that the permitting of alternative livestock facilities can generate public controversy. Some issues are particularly controversial when alternative livestock facilities block migration routes or consume significant areas of land historically utilized by wild game. Because the proposed Last Chance alternative livestock facility would not significantly block big game migration routes or consume a significant portion of land utilized by wild game, the controversial nature of the Proposed Action is minor.

Montana FWP and DoL also acknowledge that there are uncertainties regarding diseases of wildlife and alternative livestock, the identification of infected animals, and the transmissibility of disease. The agencies agree that an outbreak of livestock disease in one or more wildlife populations would be a significant, negative effect. However, with careful attention to current regulations and implementation of the requirements and mitigation measures specified in this EA, the transmission of disease from alternative livestock on the proposed alternative livestock ranch to wildlife is a very unlikely event.

NO ACTION:

Potential risks or adverse effects which are uncertain would not occur from the No Action alternative, other than those associated with the existing land use.

CUMULATIVE EFFECTS:

Cumulative impacts could develop; however, the magnitude of these effects is expected to be minor on a cumulative basis.

REQUIRED STIPULATIONS:

None

RECOMMENDED MITIGATION MEASURES:

See Section 5 (*Fish & Wildlife*) and Section 8 (*Risk/Health Hazards*).

SUMMARY EVALUATION OF SIGNIFICANCE CRITERIA

a. Does the Proposed Action have impacts that are individually minor, but cumulatively considerable? (A project may result in impacts on two or more separate resources which create a significant effect when considered together or in total).

No. Impacts from this operation are expected to be minor on a cumulative basis.

b. Does the Proposed Action involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?

Yes. A potential risk or adverse effect that is uncertain, but extremely hazardous if it were to occur, would be the spread of a disease or parasite from alternative livestock to wild elk or deer. The risk and appropriate measures to mitigate the risk are discussed in Section 5 (*Fish & Wildlife*), Section 8 (*Risk/Health Hazards*), and Section 13 (*Summary*) of this EA.

c. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

The No Action alternative would avoid many of the potential impacts listed above. This site would likely be managed for continued livestock grazing and occasional logging. The No Action alternative would probably not exclude wildlife from this site.

d. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

This section provides an analysis of impacts to private property by proposed restrictions or stipulations in this EA as required under 75-1-201, MCA, and the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The analysis provided in this EA is conducted in accordance with implementation guidance issued by the Montana Legislative Services Division (Environmental Quality Council (EQC), 1996). A completed checklist designed to assist state agencies in identifying and evaluating proposed agency actions, such as imposed stipulations, that may result in the taking or damaging of private property, is included in Appendix A. Mitigation measures described in this section address both minor and significant impacts. Requirements or stipulations, if any, are designed to ensure that the fence enclosure is maintained in game-proof condition. Most potential minor impacts from the Proposed Action are addressed as mitigation measures that are recommended, but not required.

REQUIREMENT #1

1. Licensee shall inspect the perimeter fence on a regular basis (e.g., weekly) and immediately after or during events that have a greater probability of damaging the fence (e.g., wind storms and significant precipitation events) to insure fence integrity with respect to falling trees, surface water runoff, burrowing animals, predators, and other game animals. Fence inspection shall follow a written fence monitoring plan that is submitted to and approved by FWP prior to issuance of the license. If major repairs are required of the perimeter fence due to falling tree(s) or heavy runoff, no alternative livestock shall be placed back into the affected pasture(s) until the fence is inspected for game-proof condition by a FWP representative. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if ingress or egress occurs at the facility.

Restriction on Private Property Use

These requirements do not restrict the use of private property by requiring the following: plan for monitoring fhe fence, including more frequent monitoring of perimeter fence during events that have a greater probability of damaging the fence, and raising the fence where snow accumulation may cause ingress/egress.

Alternatives

Do not perform the monitoring and safety measures described above regarding fence integrity.

This alternative would not adequately address potential problems that may compromise fence integrity resulting in ingress/egress at the facility.

Benefits from Imposing the Requirement

These requirements are imposed to minimize potential ingress/egress at the proposed alternative livestock facility. In addition to existing FWP fencing and wildlife protection requirements, these requirements would effectively reduce the risk of contact between alternative livestock and wildlife and domestic livestock.

Types of Expenditures the Requirement Would Mandate

Performing the monitoring and/or mitigation measures described above as needed to maintain fence integrity would not cause a substantial increase in fence construction and facility operation costs. Raising the fence height, if necessary, in areas where excessive snow may accumulate would not likely increase fencing costs to a significant degree.

Requirement's Effect on Property Values

None expected.

PART III. EA CONCLUSION

1. **Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO**

   No. The appropriate level of analysis for the Proposed Action is a mitigated EA because:

   - All impacts of the Proposed Action have been accurately identified in the EA; and
   - All identified significant impacts would be mitigated to minor or none.

2. **Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the Proposed Action, is the level of public involvement appropriate under the circumstances?**

   Upon completion of the Draft EA, a notice is sent to adjoining landowners, local newspapers, and other potentially affected interests, explaining the project and asking for input during a 21-day comment period which extends from September 7, 2000 until 5 pm September 28, 2000. The Draft EA is also available to the public from the FWP addresses and phone numbers listed below and in the *Summary* section of this EA (p. 2), and through the State Bulletin Board System during the public comment period.

3. **Duration of comment period if any:** 21 days

4. **Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:**

Fish, Wildlife & Parks

Brian Sommers, FWP Game Warden
Fish, Wildlife & Parks, Region 1
490 N. Meridian Road
Kalispell, Montana 59901
Phone (406) 752-5501

Tim Thier, FWP Wildlife Biologist
Fish, Wildlife & Parks, Region 1
PO Box 507
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Fish, Wildlife & Parks, Enforcement Division
PO Box 200701
Helena, MT 59620
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Daphne Digrindakis, Project Manager
Doug Rogness, Water Resources
Mike Cormier, Soil Resources
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303 Irene Street
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Department of Livestock

Evaleen Starkel, Alternative Livestock Program Specialist
Animal Health Division
Third Floor, Scott Hart Building
301 Roberts
Helena, MT 59620

APPENDIX A

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following requirements:

1. Licensee shall inspect the perimeter fence on a regular basis (e.g., weekly) and immediately after or during events that have a greater probability of damaging the fence (e.g., wind storms and significant precipitation events) to insure fence integrity with respect to falling trees, surface water runoff, burrowing animals, predators, and other game animals. Fence inspection shall follow a written fence monitoring plan that is submitted to and approved by FWP prior to issuance of the license. If major repairs are required of the perimeter fence due to falling tree(s) or heavy runoff, no alternative livestock shall be placed back into the affected pasture(s) until the fence is inspected for game-proof condition by a FWP representative. Should ingress or egress become a problem during winter due to areas of snow accumulation, areas prone to snow drifting shall be identified and the fence height raised sufficiently to prevent ingress/egress. Additional remedial actions may be required by FWP if ingress or egress occurs at the facility.

PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deprive the owner of all economically viable uses of the property?
	X	4. Does the action deny a fundamental attribute of ownership?
	X	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is **NO**, skip questions 5a and 5b and continue with question 6.]
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	X	6. Does the action have a severe impact on the value of the property?
	X	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is **NO**, do not answer questions 7a-7c.]
		7a. Is the impact of government action direct, peculiar, and significant?
		7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
		7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with § 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.